



10 - 09 - 02

DAC #3

In Re Application Of: Brian G. Agee, et. al. |
Serial No. 09/878,789 || 09/879,459 |
Filed: 06/10/01 06/11/01 |
For: Method and Apparatus for
Optimization of Wireless Multipoint...|

Examiner:
Group Art Unit:
Atty. Docket No:
Date:

2661 || 2681
Oct. 8, 2002

RECEIVED

THE COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

OCT 10 2002

OFFICE OF PETITIONS

SIR: Transmitted herewith are:

Petition for Revival of an Application for Patent Abandoned Unintentionally
Under 37 C.F.R. 1.137(b)

a Response to the Notices to File Corrected Application Papers
for the above application
a clean copy of the substitute specification (with abstract)
payment (see, also, authorization below)
drawings as requested by the Examiner (duplicate set)

Extension of time as necessary is requested, and authority to charge against
deposit account 50-0705 is herewith granted.

The Commissioner is herewith authorized to charge payment of the necessary
fees, or credit any overpayment to Deposit Account 50-0705 associated with this
communication for any related purpose, including: (A DUPLICATE COPY OF THIS
SHEET IS ENCLOSED)

Any additional filing fees required for presentation of extra claims

Any extension or petition fees.

Small entity status for this application under 37 CFR §1.9 and 1.27 has been
established by a verified statement previously submitted.

Respectfully Submitted:

George S. Cole, Esq.
PTO #40,563

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Redwood City, CA 94063
Tel: (650) 556-9510
Fax:(650) 556-9511
GSCdLawyer@aol.com

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PTO/SB/17 (6/99)

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL
for FY 1999**

Patent fees are subject to annual revision.

Small Entity payments must be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/ISB-09-12.

FEE TRANSMITTAL		<i>Complete if Known</i>	
for FY 1999		Application Number	
		Filing Date	
		First Named Inventor	
		Examiner Name	
		Group / Art Unit	
		Attorney Docket No.	
TOTAL AMOUNT OF PAYMENT	(\\$)		

*Patent fees are subject to annual revision.
Small Entity payments must be supported by a small entity statement,
otherwise large entity fees must be paid. See Forms PTO/SB/09-12.
See 37 C.F.R. §§ 1.27 and 1.28.*

METHOD OF PAYMENT (check one)				FEE CALCULATION (continued)																																																																																																																																																																																																																																																																			
<p><input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number 50,0705</p> <p>Deposit Account Name George S. Cole, Esq.</p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17</p>				<p>3. ADDITIONAL FEES</p> <table> <thead> <tr> <th>Large Entity Fee Code (\$)</th> <th>Small Entity Fee Code (\$)</th> <th colspan="2">Fee</th> <th colspan="2">Fee</th> <th colspan="2">Fee Description</th> </tr> <tr> <th>Code (\$)</th> <th>Code (\$)</th> <th>Fee</th> <th>Fee</th> <th>Fee</th> <th>Fee</th> <th>Fee</th> <th>Fee Description</th> </tr> </thead> <tbody> <tr> <td>105</td> <td>130</td> <td>205</td> <td>65</td> <td colspan="2"></td> <td colspan="2">Surcharge - late filing fee or oath</td> </tr> <tr> <td>127</td> <td>50</td> <td>227</td> <td>25</td> <td colspan="2"></td> <td colspan="2">Surcharge - late provisional filing fee or cover sheet</td> </tr> <tr> <td>139</td> <td>130</td> <td>139</td> <td>130</td> <td colspan="2"></td> <td colspan="2">Non-English specification</td> </tr> <tr> <td>147</td> <td>2,520</td> <td>147</td> <td>2,520</td> <td colspan="2"></td> <td colspan="2">For filing a request for reexamination</td> </tr> <tr> <td>112</td> <td>920*</td> <td>112</td> <td>920*</td> <td colspan="2"></td> <td colspan="2">Requesting publication of SIR prior to Examiner action</td> </tr> <tr> <td>113</td> <td>1,840*</td> <td>113</td> <td>1,840*</td> <td colspan="2"></td> <td colspan="2">Requesting publication of SIR after Examiner action</td> </tr> <tr> <td>115</td> <td>110</td> <td>215</td> <td>55</td> <td colspan="2"></td> <td colspan="2">Extension for reply within first month</td> </tr> <tr> <td>116</td> <td>380</td> <td>216</td> <td>190</td> <td colspan="2"></td> <td colspan="2">Extension for reply within second month</td> </tr> <tr> <td>117</td> <td>870</td> <td>217</td> <td>435</td> <td colspan="2"></td> <td colspan="2">Extension for reply within third month</td> </tr> <tr> <td>118</td> <td>1,360</td> <td>218</td> <td>680</td> <td colspan="2"></td> <td colspan="2">Extension for reply within fourth month</td> </tr> <tr> <td>128</td> <td>1,850</td> <td>228</td> <td>925</td> <td colspan="2"></td> <td colspan="2">Extension for reply within fifth month</td> </tr> <tr> <td>119</td> <td>300</td> <td>219</td> <td>150</td> <td colspan="2"></td> <td colspan="2">Notice of Appeal</td> </tr> <tr> <td>120</td> <td>300</td> <td>220</td> <td>150</td> <td colspan="2"></td> <td colspan="2">Filing a brief in support of an appeal</td> </tr> <tr> <td>121</td> <td>260</td> <td>221</td> <td>130</td> <td colspan="2"></td> <td colspan="2">Request for oral hearing</td> </tr> <tr> <td>138</td> <td>1,510</td> <td>138</td> <td>1,510</td> <td colspan="2"></td> <td colspan="2">Petition to institute a public use proceeding</td> </tr> <tr> <td>140</td> <td>110</td> <td>240</td> <td>55</td> <td colspan="2"></td> <td colspan="2">Petition to revive - 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late filing fee or oath		127	50	227	25			Surcharge - late provisional filing fee or cover sheet		139	130	139	130			Non-English specification		147	2,520	147	2,520			For filing a request for reexamination		112	920*	112	920*			Requesting publication of SIR prior to Examiner action		113	1,840*	113	1,840*			Requesting publication of SIR after Examiner action		115	110	215	55			Extension for reply within first month		116	380	216	190			Extension for reply within second month		117	870	217	435			Extension for reply within third month		118	1,360	218	680			Extension for reply within fourth month		128	1,850	228	925			Extension for reply within fifth month		119	300	219	150			Notice of Appeal		120	300	220	150			Filing a brief in support of an appeal		121	260	221	130			Request for oral hearing		138	1,510	138	1,510			Petition to institute a public use proceeding		140	110	240	55			Petition to revive - unavoidable		141	1,210	241	605			Petition to revive - unintentional		142	1,210	242	605			Utility issue fee (or reissue)		143	430	243	215			Design issue fee		144	580	244	290			Plant issue fee		122	130	122	130			Petitions to the Commissioner		123	50	123	50			Petitions related to provisional applications		126	240	126	240			Submission of Information Disclosure Stmt		581	40	581	40			Recording each patent assignment per property (times number of properties)		146	760	246	380			Filing a submission after final rejection (37 CFR § 1.129(a))		149	760	249	380			For each additional invention to be examined (37 CFR § 1.129(b))		Other fee (specify) _____								Other fee (specify) _____								SUBTOTAL (2) (\$) \$1,692.00				SUBTOTAL (3) (\$) \$1,692.00				* Reduced by Basic Filing Fee Paid							
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SUBMITTED BY		Complete (if applicable)		
Name (Print/Type)	George S. Cole, Esq.	Registration No. (Attorney/Agent)	40,563	Telephone
Signature			Date	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



EXPRESS MAIL CERTIFICATE

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Date of Deposit: Oct. 8, 2002

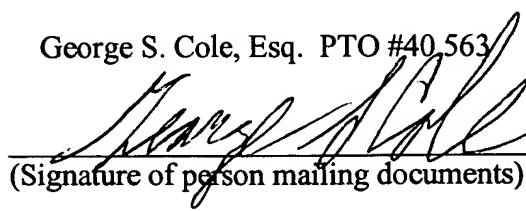
I hereby certify that the following documents:

- Petition for Revival of Unintentionally Abandoned Application
- copy of the Notices to File Corrected Application Papers
for SN 09/878,789 and for SN 09/879,459
- Response to Notices to File Corrected Application Papers, including
 - abstract (requested in both Notices) (at page 139 of specification)
 - substitute specification, with 1 & 1/2 line spacing (requested in Notice for SN 09/878,789)
- copy of drawings (submitted with SN 09/878,789, requested in Notice for SN 09/879,459)
- payment (requested in Notice for SN 09/878,459), for application and for Petition;
(both checks and Deposit Account Authorization; and copy of Fee Transmittal
with Authorization to charge deposit account filed with application);
and
- a copy of this Express Mail Certificate;

are being deposited in a single envelope with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and such envelope is addressed to:

**Attn: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, DC 20231.**

George S. Cole, Esq. PTO #40,563


(Signature of person mailing documents)